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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,775	01/22/2001	Osamu Fushimi	44471/252431 (13700)	8348

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT PAPER NUMBER

3627

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,775

Applicant(s)

FUSHIMI ET AL.

Examiner

James S. McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/6/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Applicant's submittal of an amendment on June 8, 2005 was entered, wherein:
 - claims 1-25 are pending;
 - claims 17-25 have been previously withdrawn; and
 - claims 1, 4, 15, and 16 have been amended.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 6/6/05 has been fully considered by the examiner as indicated by the attached signed PTO-1449.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,992,940 (hereinafter "Dworkin") in view of U.S. Patent No. 6,035,283 (hereinafter "Rofrano").

Regarding **claim 1**, Dworkin discloses an electric catalog aggregation apparatus comprising: a processing unit (1) to process catalog data into a prescribed format (see at least

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Figure 6 and column 6, lines 16-25); a e-catalog database (3); an extraction and conversion unit (also 1); and a delivery unit (5) for delivering catalogs to users through networks (see column 4, lines 3-12); **[claim 4]** formatting data based on each product classification (see column 9, lines 6-10); and **[claim 7]** company code data is attached to each product (see at least column 6, lines 44-50 and column 7, lines 25-60). Independent **claims 15 and 16** are rejected for reasons similar to apparatus claim 1.

Dworkin fails to explicitly disclose the use of managing “charge” data for each registered user (buyer and seller). Additionally, Dworkin fail to explicitly disclose the use of a buyer defined catalog format.

Regarding **claims 2-3**, the Examiner takes Official Notice that is old and well known for an intermediary to register and charge fees for brokering transactions between buyers and sellers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin with registered users and charge management as is well known in the art, because intermediary provide a service to buyers and sellers and need a mechanism to profit from their service whereby charging fees to the buyers and/or sellers.

Regarding **claims 1, 5, 15, and 16**, Rofrano teaches the use of dynamic catalog formatting based on user preferences (see column 1, line 52-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin with user defined catalog formatting as taught by Rofrano, because user defined formatting allows for better targeted sales strategies, wherein increasing the potential spending by the customer.

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5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin in view of Rofrano as applied to claim 1 above, and further in view of U.S. Patent No. 6,687,710 (hereinafter “Dey”).

Regarding **claim 6**, Dworkin/Rofrano disclose all the claimed elements as set forth above but fail to disclose the use of detecting missing data from the catalog and collecting the missing data from another party.

Dey teaches the use of detecting missing data from the catalog and collecting the missing data from another party (see column 9, lines 40-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin/Rofrano with missing data detection taught by Dey, because identifying and collecting missing data allows the catalog to be more complete and provide additional products and services that will lead to more potential transactions for the seller.

6. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin in view of Rofrano as applied to claim 1 and 7 above, and further in view of Japanese Patent Publication 10-261016 (hereinafter “JP ‘016”).

Regarding **claims 8-14**, Dworkin/Rofrano disclose all the claimed elements as set forth above but fail to disclose allowing the buyer to check and monitor the credit of a seller.

JP ‘016 (see Abstract) teaches the use of allowing the buyer to check and monitor the credit of a seller.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin/Rofrano with seller credit checks taught by JP ‘016, because a

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credit check allows the buyer to fully consider the financial condition of the seller, wherein providing the buyer with the ability to determine if they want to do business with the seller.

The Examiner takes *Official Notice* that it is old and well known to charge for credit checks.

Response to Arguments

7. Applicant's arguments filed May 10, 2005 have been fully considered but they are not persuasive.

On page 11, Applicant argues that neither Dworkin nor Rofrano disclose a user-presented format. The Examiner respectfully disagrees. Rofrano clearly identifies that a user-specified format is desirable for increasing targeted sales (see column 1, lines 52-60 and column 2, lines 35-42). Therefore, it is the Examiner's position that the combination of Dworkin and Rofrano meet all of the claim limitations of independent claims 1, 15, and 16 as currently amended.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

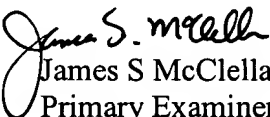
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James S McClellan
Primary Examiner
Art Unit 3627

jsm
8/9/05